



CALIFORNIA DEPARTMENT OF EDUCATION
SCHOOL FACILITIES PLANNING DIVISION

SFPD 4.15 (Rev. 06/06)

LOCAL EDUCATIONAL AGENCY AND DEPARTMENT OF TOXIC SUBSTANCES CONTROL COMMITMENT TO
COMPLETE FURTHER INVESTIGATION AND/OR RESPONSE ACTION

County	Project Tracking Number
Local Educational Agency	Project Identification

Local Educational Agency Completion

The above named local educational agency (LEA) requests a California Department of Education (CDE) final site approval and/or final plan approval for the above named project prior to completion of a Department of Toxic Substances Control (DTSC) required further investigation and/or response action (cleanup).

The LEA commits to complete, prior to occupancy of this project, all such further investigation and/or response action (except ongoing operations and maintenance) as required and under the oversight specified in a School Cleanup Agreement with the DTSC. The LEA shall immediately notify the DTSC, the Office of Public School Construction, and the CDE should the LEA be unwilling or unable to complete the investigation and/or response action. The LEA also commits to immediately stop construction and notify the DTSC if previously unknown contamination is found subsequent to cleanup. The LEA then shall obtain DTSC approval prior to implementing mitigation measures and resuming construction.

The LEA acknowledges that this request and subsequent approvals may result in a funding apportionment based upon costs known at the time of this project application, and that any related additional costs may be the responsibility of the LEA and would be subject to applicable statutes and regulatory criteria including limits for state funding adjustments. Pursuant to the *Education Code* and to the State Allocation Board (SAB) adopted regulations, funding for this project shall be rescinded if the LEA has not met the applicable criteria to have funds released within 18 months of the SAB apportionment. Failure to complete the above LEA commitments may subject the LEA to enforcement actions and penalties pursuant to applicable statutes and regulations.

Print Name of Authorized Local Educational Agency Representative

Title

Signature of Authorized Local Educational Agency Representative

Date

Department of Toxic Substances Control Completion

The DTSC has issued a determination letter dated _____ approving a Preliminary Endangerment Assessment indicating that further investigation and/or response action is required at this project site.

The DTSC certifies that it does not object to the CDE's issuing of final site approval and/or final plan approval, nor to the release of funding apportionment to the LEA for this project prior to the completion of further investigation and/or response action. In accordance with a School Cleanup Agreement signed by the DTSC on _____, the DTSC has:

Select one or more as appropriate:

- A. ☐ Approved the final cleanup plan (Removal Action Workplan or Remedial Action Plan) for the required response action for this site, on _____ (date).
- B. ☐ Determined that the required response action must be implemented in the design and/or construction of this proposed project, on _____ (date).
- C. ☐ Made all required findings per *Education Code* Section 17213.2(f) that the response action and proposed construction project are on separate portions of the project site and will not interfere with each other, on _____ (date).
- D. ☐ Determined that a response action has been satisfactorily completed; however, further investigation is still required which may also require additional response action at this site on _____ (date).

The DTSC commits to oversee the LEA's completion of the required further investigation and/or response action prior to project occupancy and will immediately notify the Office of Public School Construction and the CDE should the LEA fail to complete the further investigation and/or response action as required.

Print Name of Authorized DTSC Branch or Division Chief

Title

Signature of Authorized DTSC Branch or Division Chief

Date

Instructions

Purpose

This form will allow local educational agencies (LEA) to seek a California Department of Education (CDE) final site approval and/or final plan approval **prior** to completing the Department of Toxic Substances Control (DTSC) requirements for sites that the DTSC has determined that further investigation and/or response action (cleanup/remediation) is required. Note that this form is **not** required for a lead-based paint and/or polychlorinated biphenyls (PCBs) response action (see SFPD 4.14 form).

A final site approval from the CDE (along with meeting all other Office of Public School Construction related requirements) allows applicants to seek **full** State Allocation Board (SAB) site acquisition apportionment or new construction project apportionment, including the state's share of costs based upon eligible actual or **estimated** cleanup costs (if any) known at the time of the application.

By this form, the LEA commits to complete all DTSC required activities **prior** to occupancy of the project and acknowledges that any related additional cleanup costs may be the full responsibility of the LEA and would be subject to current applicable funding adjustment limits and criteria. Pursuant to statutes, funding shall be rescinded if applicable criteria to have funds released within 18 months of apportionment are not met.

LEAs may elect not to utilize this form and thus not seek CDE final approvals and full apportionment until after further investigation and/or response action is complete under DTSC oversight, and a "no further action" determination letter is received. In addition, qualified "environmental" or "financial" hardship applicants may instead seek a CDE "contingent" site approval prior to completion of DTSC requirements and without the use of this form. "Contingent" site approval applicants may seek estimated site apportionment and cleanup costs, but final CDE approval and full construction apportionment (and an actual cleanup cost adjustment, if any) are in part dependent upon completion of the DTSC process.

Form Completion and Submission

After the DTSC issues a determination letter approving a Preliminary Endangerment Assessment that concludes that further investigation and/or response action is required, the LEA may complete the top portion of this form and submit with a copy of the DTSC determination letter via mail or fax, or in person to the DTSC Branch Chief of the appropriate regional office listed below (the determination letter will note the DTSC office of origin).

Department of Toxic Substances Control

Shahir Haddad, Acting Branch Chief – Cypress
School Property Evaluation and Cleanup Division
5796 Corporate Avenue
Cypress, CA 90630
Phone (714) 484-5368, Fax (714) 484-5411
shaddad@dtsc.ca.gov

Sharon Fair, Branch Chief – Glendale/Sacramento
School Property Evaluation and Cleanup Division
1011 North Grandview Avenue
Glendale, CA 91201
Phone (818) 551-2821, Fax (818) 551-2874
sfair@dtsc.ca.gov

The DTSC will only complete this form after both of the following occur:

- 1) The LEA has entered into a School Cleanup Agreement

A School Cleanup Agreement (SCA) provides DTSC oversight of the response action and supercedes previous Voluntary Cleanup Agreements (VCA) or Master Agreements affecting the project site. It differs from the VCA in several ways including dispute resolution, termination procedures, and penalties for non-compliance and creates a stronger guarantee that cleanup and remediation will be completed after receiving CDE final approvals and SAB apportionment. Contact Michele Foster from the DTSC at (818) 551-2861 or mfoster@dtsc.ca.gov to request an SCA.

and

- 2) The DTSC has determined one or more of the following:
 - a) The final cleanup plan is approved.
 - b) The response action must be implemented in the design or construction of the project (this may be prior to cleanup plan approval).
 - c) The cleanup and project construction are on separate portions of the project site that will not interfere with each other (this may be prior to cleanup plan approval).
 - d) A response action has been completed, but further investigation/action is still required by DTSC.

After completing its portion of the form, the DTSC will fax and mail a copy to the CDE and the LEA. The CDE will issue final approvals upon receipt of the completed form (fax or photocopy is acceptable) and when all other site or plan approval requirements have been met.